

REMARKS

Status of Claims

Claims 1, 3-6, 8-11, 13-16, and 23-29 are pending and have been rejected by the Examiner. Claims 1, 3, 6, 11, 13, 16, 21, 24, and 28 have been amended. Accordingly, claims 1, 3-6, 8-11, 13-16, and 23-29 are presented and at issue. Reconsideration and allowance of the application in view of the foregoing amendments and following remarks are respectfully requested.

Support for Claim Amendments

Independent claims 1, 11 and 21 has been amended to recite, *inter alia*, “gathering program recommendation guides from non-customer third parties,...the program recommendation guides comprising lists of programming data recommended by the non-customer third parties.” Support for the amendment can be found throughout the specification (see e.g., para. [0025]). No new matter was entered.

Claim 3 has been amended to recite, *inter alia*, “automatically signaling the personal recording device to record a plurality of programs simultaneously.” Support for the amendment can be found throughout the specification. (See e.g., para. [0030]). No new matter was entered.

Claim 6 has been amended to provide antecedent basis, i.e., to include “non-customer” third parties.

Claim 13 has been amended to recite, *inter alia*, “wherein the gathering includes: evaluating the customer entity’s service plan and filtering by the customer entity’s available channel listing.” Support for the amendment can be found throughout the specification. (See e.g., para. [0029]). No new matter was entered.

Claims 16, 24, and 27 have been amended to provide antecedent basis, i.e., to include “non-customer” third parties.

Claim 28 has been amended to recite, *inter alia*, “determining view and record capabilities of the account member based on the rights.” Support for the amendment can be found throughout the specification. (See e.g., para. [0031]). No new matter was entered.

Rejections Under 35 U.S.C. §102

Claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Logan (US 2003/0093790 hereinafter “Logan”).

Logan teaches a system of collecting and aggregating metadata from various channels in order to identify program and program segments of broadcast programming content that a user is likely to enjoy (Abstract). Logan also teaches a recording and playback option for capturing relevant content. *Id.*

With regard to claim 1, the Examiner states that Logan teaches “wherein the user interface includes an option to enable the customer to globally turn off and on preference filtering that allows the customer to access programming that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked titles to the customer when the option is turned off,” citing paragraphs [0123]-[0128] in support.

Paragraphs [0016]-[0018] of Logan, however, disclose customer preferences and filtering mechanisms. Additionally, paragraphs [0140], [0282], and [0312] of Logan disclose a user interface for use in preventing the listing of a particular content item (i.e., Never Again button), or for sorting, selecting, and viewing content segments. However, there is no teaching or suggestion in Logan of an option to globally turn off and on preference filtering such that the customer may access programming that would otherwise be blocked through the filtering mechanism *without editing the customer selected preferences*, as recited in claim 1.

Paragraphs [0123]-[0128] of Logan describe a process of using “preference data” which has been generated as a result of processing the metadata collected and aggregated from the channels. In paragraph [0123], Logan describes a process of “highlighting segments of interest” on a program guide for a consumer, based on the preference data. The Examiner alleges that this automatic highlighting is the same as turning off preference filtering as is described in out claim 1. The Examiner appears to focus his argument on the fact that Logan does not teach “edit[ing] previously selected customer preferences” in order to produce the highlighting. Logan, however, does not teach

globally turning off preferences temporarily, or otherwise, and therefore does not teach this element of claim 1.

In addition, amended claim 1 recites, *inter alia*, “gathering program recommendation guides from non-customer third parties, ...the program recommendation guides comprising lists of programming data recommended by the non-customer third parties.” The Examiner applies paragraphs [0142]-[0143], [0163]-[0164] and [0476] of Logan to this element of claim 1. Logan teaches using a “huntlist” as a positive filter (Paras. [0142]-[0143]). The huntlists in Logan, however, are created by the users themselves. (“With a huntlist, a **user identifies** which songs or which artists he wants the system to capture,” Para [0142]; emphasis added by Applicants). By contrast, the Applicants’ recited program recommendation guides containing programming data recommended by **non-customer** third parties, not the **user-identified** content subject to the huntlist as it is disclosed in Logan.

In addition, paragraph [0143] of Logan describes applying the huntlist to “a plurality of different stations to identify stations and times when desired programming is most likely to occur.” The plurality of stations is not, however, used to create the huntlists. Paragraph [0164] of Logan describes creating filters by using interactions of other viewers (“metadata that could be automatically generated from other viewers’ actions is which segments elicited an interaction by other viewers of iTV functions.”) However, the term, “other viewers” in Logan refers to other customers and is, therefore, not the same as “gathering program recommendation guides from non-customer third parties,” as recited in amended claim 1. Paragraphs [0476] and [0477] are directed to providing personalized ads according to segment content. Advertisements may be selected and presented to viewers based upon what the system determines to be the user’s interests (which, in turn, may be determined contextually by the type of programming currently being viewed by the customer) (paragraph [0477]). This feature as disclosed by Logan has no relevance to the Applicants’ recited “gathering program recommendation guides from non-customer third parties, the program recommendation guides comprising lists of programming data recommended by the non-customer third parties.” First, the personalized ads are not equivalent to listings of program recommendation guides. Second, even if the personalized ads could be somehow equated to the listings of

program recommendation guides, since the advertisements are selected by the entity delivering the content to the viewer, and not by the viewer (i.e., the viewer does not select from a listing of advertisements offered by third-party sources for viewing), the personalized advertisement feature of Logan is easily distinguished from the program recommendation guides recited in Applicants' claim 1. Thus, Logan may not properly be relied upon for teaching "gathering program recommendation guides from non-customer third parties." Therefore, because Logan does not teach each and every element of independent claim 1, the Applicants submit that claim 1 is patentable over Logan.

Independent claims 11 and 21 recite substantially similar features as those recited in claim 1 and, for at least the reasons advanced above with respect to claim 1, the Applicants submit that claims 11 and 21 are patentable over Logan.

Claim 3 depends from what should be an allowable base claim 1 and is patentable for at least the same reasons advanced above with respect to claim 1. In addition, with regard to amended claim 3, Logan does not teach "automatically signaling the personal recording device to record a plurality of programs simultaneously." As Logan does not teach each and every element of claim 3, the Applicants submit that claim 3 is patentable over Logan.

Claim 13 depends from what should be an allowable base claim 11 and is patentable for at least reasons of dependency. In addition, with regard to amended claim 13, Logan does not teach "evaluating the customer entity's service plan and filtering by the customer entity's available channel listing." As Logan does not teach each and every element of claim 13, the Applicants submit that claim 13 is patentable over Logan.

Claim 28 depends from what should be an allowable base claim 21 and is patentable for at least reasons of dependency. In addition, with regard to amended claim 28, Logan does not teach "automatically signaling the personal recording device to record a plurality of programs simultaneously." As Logan does not teach each and every element of claim 28, the Applicants submit that claim 28 is patentable over Logan.

Claims 4-6, 8-10, 14-16, 18-20, 23-27 and 29 depend variably from what should be allowable base claims 1, 11, and 21. In addition, the Examiner states that claims 11, 13-21, and 23-29 claim the same subject matter as that of claims 1 and 3-10 (Page 6, Final Office action mailed November 26, 2008), and therefore, are rejected on the same

grounds. The Applicants respectfully traverse these rejections of claims 11, 13-21, and 23-29. In particular, claim 24 depends from claim 6 and recites, *inter alia*, “wherein the non-customer third parties include external sources comprising a film institute.” None of claims 1 and 3-10 recite this feature. The Examiner has not provided arguments in support of this rejection. The Applicants submit that this feature is not found anywhere in Logan. Additionally, claim 27, which depends from claim 24, recites, *inter alia*, “wherein the non-customer third parties include external sources comprising a ***film institute and at least one of:***

a magazine;

a religious organization;

a topical web site;

a video store; and

a commercial business.”

The Examiner does not point to any location in Logan that teaches or suggests this feature. The Applicants have reviewed the reference and submit that Logan is devoid of teaching or suggesting this feature.

For at least these reasons, the Applicants submit that claims 24 and 27 are individually patentable over Logan. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicants' Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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